

United States District Court
for the
Eastern District of New York

ONEWEST BANK, N.A.

Plaintiff,

v.

ERIKA ABREU, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC. AS NOMINEE FOR
AMNET MORTGAGE IN LIEU OF TRUE
CORPORATE NAME AMERICAN
MORTGAGE NETWORK, INC., NEW
YORK CITY ENVIRONMENTAL
CONTROL BOARD, NEW YORK CITY
TRANSIT ADJUDICATION BUREAU,
JUAN TOMERO, BLANCA LOPEZ,
SEBASTIAN TEPOX

Defendants.

Civil Action No. 14-cv-3524

NON MILITARY AFFIDAVIT
UNDER THE SERVICEMEMBERS'
CIVIL RELIEF ACT

The affiant, Jennifer White, is an employee of OneWest Bank N.A. ("OneWest"), and is authorized to make this affidavit on behalf of the Plaintiff. The affiant, being first duly sworn upon oath, deposes and says:

On this date, NOV 18 2014, the affiant conducted a search of the Department of Defense Manpower Data Center for the Defendants, ERIKA ABREU, JUAN TOMERO, and BLANCA LOPEZ, each of whom is over 18 years of age. The certified military status reports provided for said Defendants indicate that said Defendants are not in active military service as defined in the Servicemembers' Civil Relief Act. The Military Status Reports verifying said belief are attached hereto as **Exhibit A**.

The affiant lacks sufficient information to be able to determine whether any other Defendants in this action are in active military service, including SEBASTIAN TEPOX.

Affiant is unable to determine whether any Defendant is serving with the forces of a nation with which the United States is allied in the prosecution of a war or military action.

FURTHER AFFIANT SAYETH NOT.

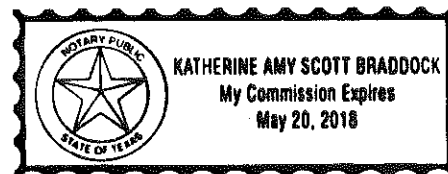
Jennifer White
Type Name Here:

Jennifer White

Assistant Secretary

Sworn to before me this 18th day
of November, 2014.

Katherine A. Braddock
Notary Public Katherine Braddock



UNIFORM FORM CERTIFICATE OF ACKNOWLEDGMENT

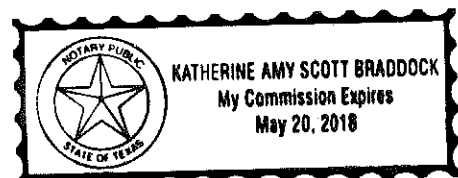
(Outside of New York State)

STATE OF TEXAS)
COUNTY OF TRAVIS) ss:

On the 18th day of November in the year 2014 before me, the undersigned, personally appeared Jennifer White, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Austin, Texas. (Insert the city or political subdivision and the state or country or other place the acknowledgment was taken).

Katherine A. Braddock
(Signature and office of individual taking acknowledgment)
Katherine Braddock

CaseGen: 300342



Department of Defense Manpower Data Center

Results as of : Nov-18-2014 11:05:29 AM

SCRA 3.0



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: ABREUFirst Name: ERIKA

Middle Name:

Active Duty Status As Of: Nov-18-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenseink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: 3FD8D5ABB08EI30

Department of Defense Manpower Data Center

Results as of : Nov-18-2014 11:07:15 AM

SCRA 3.0



Status Report

Pursuant to Servicemembers Civil Relief Act

Last Name: ROMEROFirst Name: JUAN

Middle Name:

Active Duty Status As Of: Nov-18-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
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Certificate ID: AFCE05ABT08EYCO

Department of Defense Manpower Data Center

Results as of : Nov-18-2014 11:09:31 AM

SCRA 3.0



Status Report

Pursuant to Servicemembers Civil Relief Act

Last Name: LOPEZFirst Name: BLANCA

Middle Name:

Active Duty Status As Of: Nov-18-2014

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
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The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
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Certificate ID: AFREB51BE08FSA0